



Case Number **ZC-17-184**

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
January 9, 2018

Council District 4

Zoning Commission Recommendation:

Approval by a vote of 7-0

Opposition: None submitted

Support: Carter Riverside, East Ft. Worth Alliance

Continued	Yes ____	No <u>X</u>
Case Manager	<u>Lynn Jordan</u>	
Surplus	Yes ____	No <u>X</u>
Council Initiated	Yes ____	No <u>X</u>

Owner / Applicant: **Kings Hwy Church/3701 Airport Frwy LLC/ Armando Lopez**

Site Location: 4001, 4101 Airport Freeway, 925 Kings Highway, 4001, 4100 Fain Street

Mapsc0: 64N

Proposed Use: **QuikTrip Gas Station**

Request: From: "B" Two-Family and "E" Neighborhood Commercial

To: PD/E Planned Development for all uses in "E" Neighborhood Commercial plus a freeway sign up to 75 ft.; site plan included

Land Use Compatibility: Requested change **is not compatible.**

Comprehensive Plan Consistency: Requested change **is consistent (Minor Boundary Adjustment)**

Background:

The proposed site is located on the corner of State Highway 121 and Beach Street. The applicant is requesting a zoning change from "B" Two-Family and "E" Neighborhood Commercial to PD/E Planned Development for all uses in "E" Neighborhood Commercial and to allow a pylon freeway sign up to 75 ft. in height. The site plan consists of approximately a 4,840 square foot building with 20 fueling stations.

The development will meet the regulations of "E" Neighborhood Commercial. The PD zoning is provided in order to include a site plan and to request a sign height waiver.

SH 121 is elevated approximately 12 feet at the location of the sign to provide a grade separation for the intersection with Beach St. A 32 ft. sign would elevate the sign 20 ft. over the main lanes (12 ft. + 20 ft. per 6.409 below), but a 35 ft. tall sign is allowed by right. A waiver will be necessary to allow up to an additional 40 ft. of height.

The Gateway Monument Public Art Project is planned to be installed in the north westbound median of SH 121 at Maxine Street and west of Beach St., approximately 3-4 block to the east. A taller Quik Trip sign would be visible through the proposed public art design. Staff does not support the requested sign height waiver due to the proximity.

6.409 D. Freeway Signs

1. Maximum height: 25 feet allowed at the right-of-way line and one additional foot in height for each one foot of setback, up to 35 feet. Set back sign one foot for each foot in height from all adjacent property lines. **(Administrative approval allowed for up to 50 feet in height to allow sign to be 20 feet above adjacent main travel lanes of freeway.)**
2. Maximum width: 24 feet
3. Maximum advertised message area: 320 square feet
4. Minimum ground contact: 25% of structure's width

No access is possible to N. Beach Street due to the proximity to the intersection with SH 121. Kings Rd. is proposed to be closed as part of this development.

The applicant has proposed a double sided wood screening fence along the property line to the east and north of the property adjacent to the residential properties. Additional buffer landscaping will be provided within this area. Lighting is expected to be shielded downward and away from the residential area. Trees will be required per the urban forestry requirement.

Should the vacation of Kings Highway Rd. not be approved by the City Plan Commission, the project would have to be reconfigured and possibly brought back through the zoning process to revise the site plan.

Site Information:

Owner: Kings Hwy Church 3701 Airport Frwy LLC Armando Lopez
 925 Kings Hwy P O Box 1587 4100 Fain St.
 Fort Worth, Tx 76117 Hurst, Tx 76053 Fort Worth, Tx 76117

Agent: Michael Potter/QuikTrip

Acreage: 2.64 ac

Comprehensive Plan Sector: Northeast

Surrounding Zoning and Land Uses:

North "B" Two-Family, "E" Neighborhood Commercial / single-family, commercial

East "B" Two-Family / Single-Family

South "E" Neighborhood Commercial / State Highway 121

West "E" Neighborhood Commercial / Drainage channel, Beach Street

Recent Relevant Zoning and Platting History:

Zoning History: None

Platting History: VA-17-039 Vacation request for Fain Street to be heard by the City Plan Commission December 22, 2017

Transportation/Access

Street/Thoroughfare	Existing	Proposed
Beach Street	Commercial Connector	Commercial Connector
State Highway 121	Freeway	Freeway
Fain Street	Two-Way Residential	Two-Way Residential
Kings Hwy	Two-Way Residential	Two-Way Residential

Public Notification:

300 foot Legal Notifications were mailed on October 25, 2017.

The following organizations were notified: (emailed October 17, 2017)

Organizations Notified	
Carter Riverside*	East Fort Worth, Inc.
Riverside Alliance	Trinity Habitat for Humanity
East Fort Worth Business Association	Streams And Valleys Inc.
Neighborhoods of East Fort Worth	United Riverside Rebuilding Corporation, Inc.
Fort Worth League of Neighborhoods Assoc.	Eastside Sector Alliance
	Fort Worth ISD

*Closest registered neighborhood association.

Site Plan Comments:

The site plan as submitted is not in general compliance with the zoning regulations. The key deficiencies are:

1. Site plan indicates a 75 ft. tall freeway sign set back 25 ft. which allows a 35 ft. tall sign by right. The applicant indicates that the elevation of SH 121 at this location is 12 ft. A waiver is required for the difference up to an additional 40 ft. in height. **(waiver recommended)**.
2. (FYI) If parking over the maximum count, additional tree planting will be required one tree for every additional 10 spaces.

Zoning Commission recommended a waiver to the sign height.

TPW Comments: (Michael Arthaud, 817-392-6597, Michael.Arthaud@fortworthtexas.gov)

1. A vacation application and a traffic study will need to be submitted for the vacation of Kings Hwy. The traffic study is to determine the extent of the traffic circulation changes from the proposed vacation request. The traffic study will be required to accompany the right-of-way vacation request. Additionally, the vacation request will require the concurrence of TXDOT as the roadway impacts the right-of-way of SH 121 (Airport Freeway).

2. Variable ROW - Show the full ROW widths for all existing streets. For streets having variable ROW, call out the ROW as "Variable" and give "Range" of the ROW.

3. Emergency Access Easements (Ch. 31-106.h) - Emergency access easements shall not be less than 24' in width. Show the full 24' width on the plat. Where emergency access easements intersect, the dedication of a 10' by 10' public open space easement (POSE) shall be dedicated and a triangular area 25' x 25' for sight visibility shall be required.

4. TXDOT Permit (Sec. 6-6)- TXDOT permit is required for work in and along State ROW. Street connections to TXDOT ROW is contingent upon TXDOT approval. TXDOT approval required for any proposed interchanges and/or driveway access to TXDOT facilities.

5. Sidewalks (Ch. 31-106-C-15) - Sidewalks and street lights are required for all public and private streets and public access easements as per City of Fort Worth Standards

Platting Comments: (Alexander Parks 817-392-2638 alexander.parks@fortworthtexas.gov)

No comments have been received at this time.

Fire Comments: FYI COMMENTS:
Failure to recognize violations of the fire code by the fire code official does not waive the requirement of meeting minimum requirements of the fire code in the future. It is the applicant's and the owner's responsibility to meet all minimum fire code requirements at all times.

The City of Fort Worth has adopted the 2015 International Fire Code as its current fire code. The City of Fort Worth also has adopted amendments to this code. The City of Fort Worth Fire Code Amendments can be found online at www.fortworthtexas.gov/Fire/ (click on Bureau of Fire Prevention

Water Comments: No comments have been made at this time.

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Parks and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)

Development Impact Analysis:**1. Land Use Compatibility**

The applicant is proposing a zoning change to "PD/E" Planned Development for all uses in "E" Neighborhood Commercial for a convenience and gas sales plus detached pylon sign up to 50 ft.; site plan included. Surrounding land uses consist of single-family to the north and east and adjacent to Highway 121, some commercial businesses to the northwest and Beach Street to the west.

However, while the commercial use is compatible with the state highway and traffic patterns, the effect of the taller sign on the planned location of the city's public art identification project causes the proposed zone change to be considered **not compatible** with existing land uses.

2. Comprehensive Plan Consistency

The 2017 Comprehensive Plan designates the subject property as Institutional, Neighborhood Commercial and one lot as Single-Family. However if the church is no longer the owner, Neighborhood Commercial would be appropriate at the intersection of a Commercial Connector and a freeway.

The requested zoning change **is consistent (Minor Boundary Adjustment)** with the Comprehensive Plan.

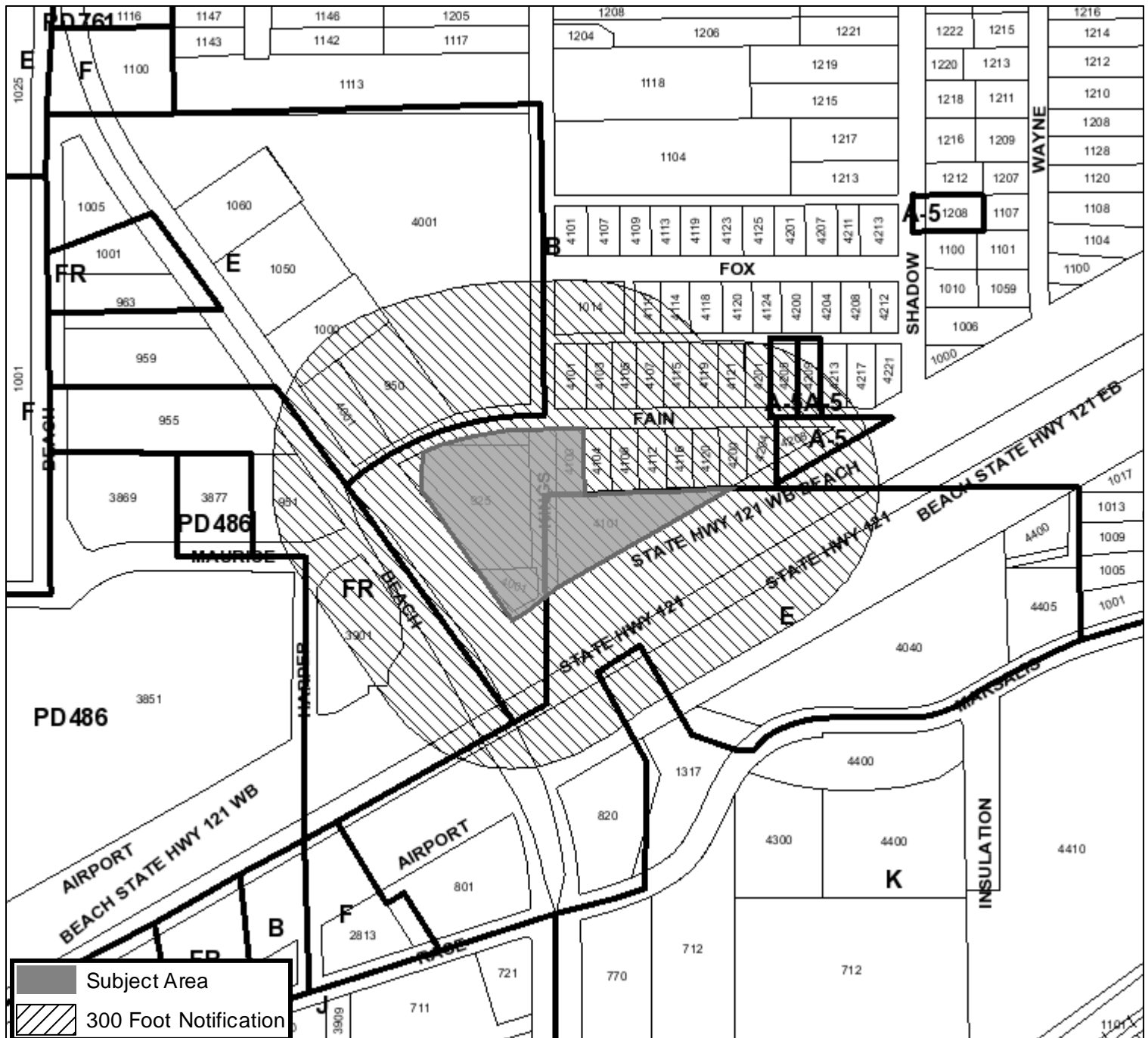
The overall proposal is consistent with the following Comprehensive Plan and the policies below:

- Encourage development type and intensity appropriate to existing or planned street infrastructure by coordinating future land use map changes with the Master Thoroughfare Plan and an adopted Complete Streets policy. (pg. 38)
- Encourage appropriate development and redevelopment within central city commercial districts and neighborhoods. (pg. 39)

Attachments:

- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Minutes from the Zoning Commission meeting

Applicant: Kings Hwy Church/3701 Airport Fwy LLC/A. Lopez
Address: 4001, 4101 Airport Freeway, 925 Kings Hwy, 4001, 4100 Fain Street
Zoning From: B, E
Zoning To: PD for E uses plus freeway sign up to 75 ft.
Acres: 2.64132298
MapSCO: 64N
Sector/District: Northeast
Commission Date: 12/13/2017
Contact: 817-392-2495

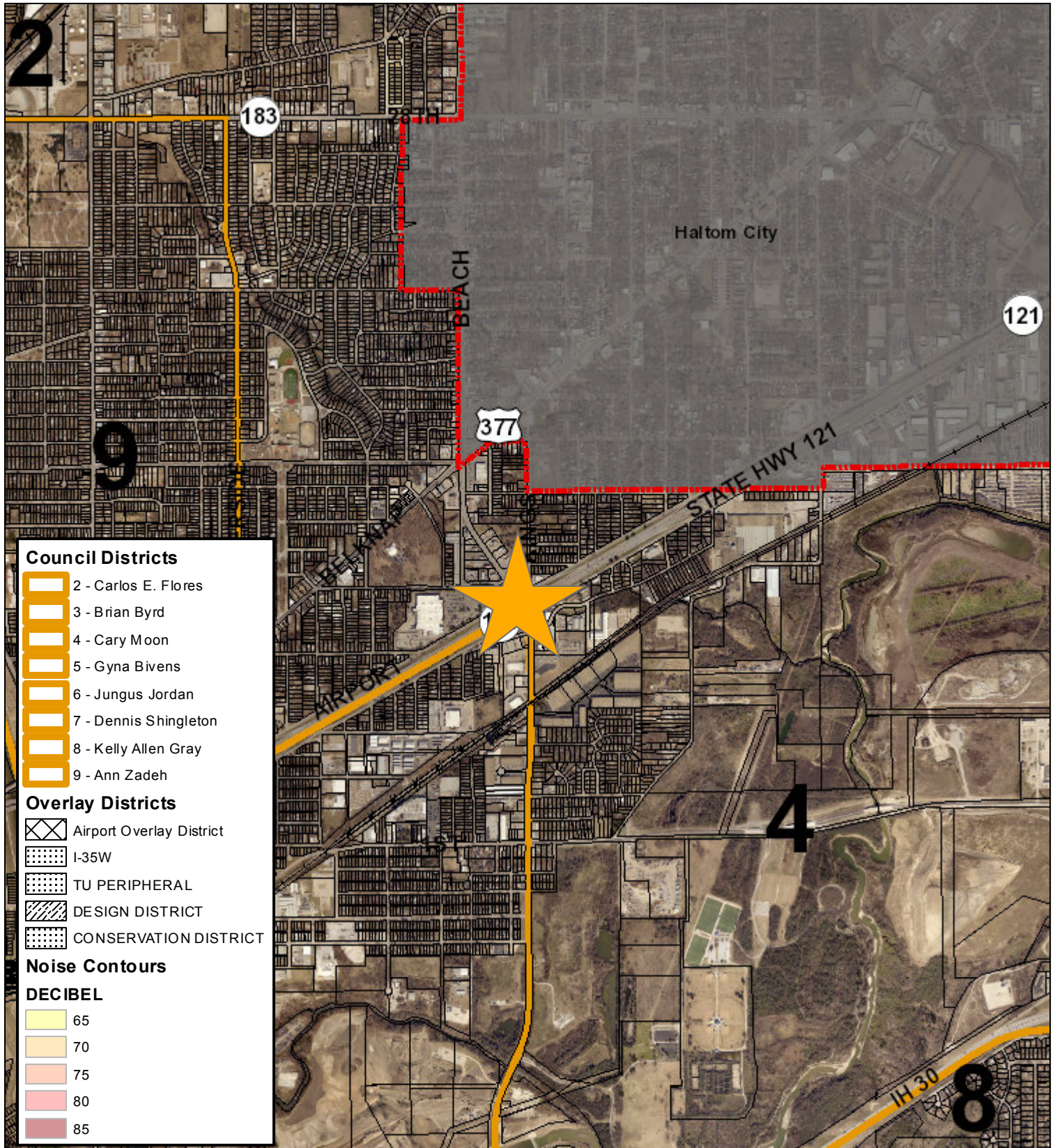


0 145 290 580 Feet

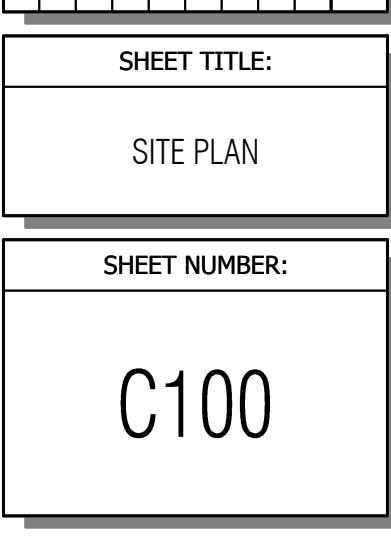


ZC-17-184

Area Map



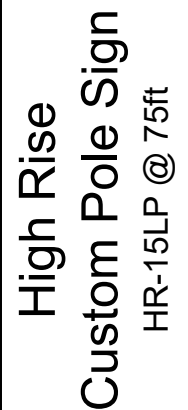
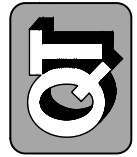
0 1,000 2,000 4,000 Feet



SITE LEGEND (EXISTING)

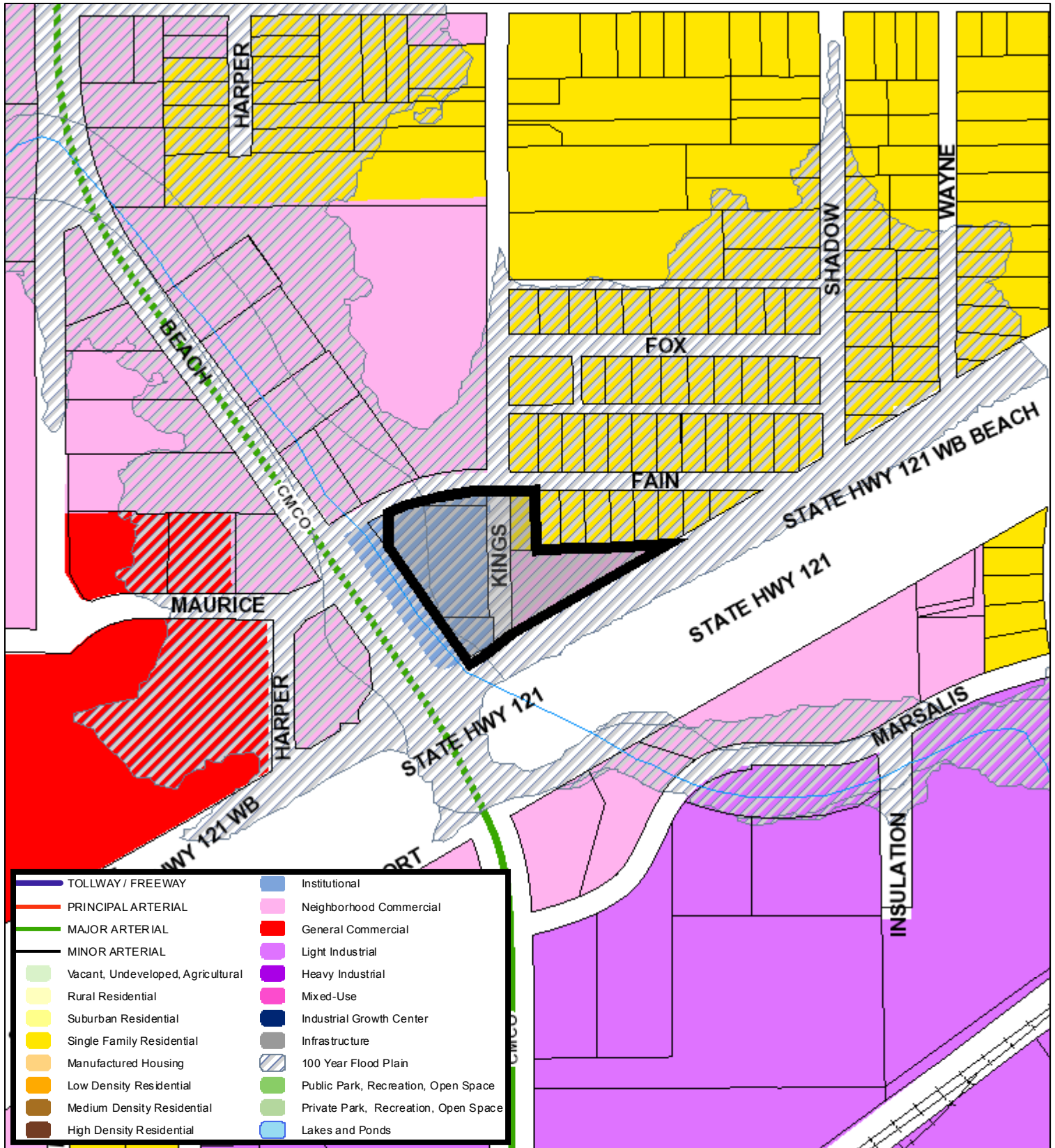
<u>EXISTING UTILITIES</u>	
ohc	OVERHEAD ELECTRIC LINE
ugfo	UNDERGROUND FIBER OPTIC LINE
gas	GAS LINE
ss	SANITARY SEWER LINE
st	STORM SEWER LINE (< 10")
	STORM SEWER LINE (> 12")
wtr	WATER LINE
☐	POWER POLE
⊕	POWER POLE W/LIGHT
⊕	POWER POLE W/TRANSFORMER
←	GUY WIRE
⊙	GAS MANHOLE
~	SINGLE POST SIGN
☐	WATER LINE
⊙	SANITARY SEWER MANHOLE
⊕	FIRE HYDRANT
⊕	WATER VALVE
⊕	WATER METER
↙ ↘	TRAFFIC ARROWS
⊕	TRAFFIC SIGNAL W/MAST ARM
☐	TRAFFIC SIGNAL BOX
○	PEDESTRIAN SIGNAL POLE
⊕	LIGHT POLE
⊕	TREE
<u>EXISTING FEATURES</u>	
—	PROPERTY LINE
—	CONCRETE CURB
—	EDGE OF ASPHALT
—	EDGE OF CONCRETE
// //	WOOD FENCE
x x x	CHAIN LINK FENCE

HR15LP @ 75ft



Logo Cabinet/Pricer Cabinet/Base: Aluminum Construction, Internally illuminated with GE Tetra PowerStrip DS65/GE PS24 Power Supplies. LOGO Cabinet painted Akzo Noble, QT Red SIGN9141 Low Gloss. Pricer Cabinet and Base painted Akzo Noble Black Low Gloss. Accent Trim section painted 1st surface Akzo Noble Silver-Low Gloss. Column supports painted Akzo Noble Black Low Gloss.

Future Land Use

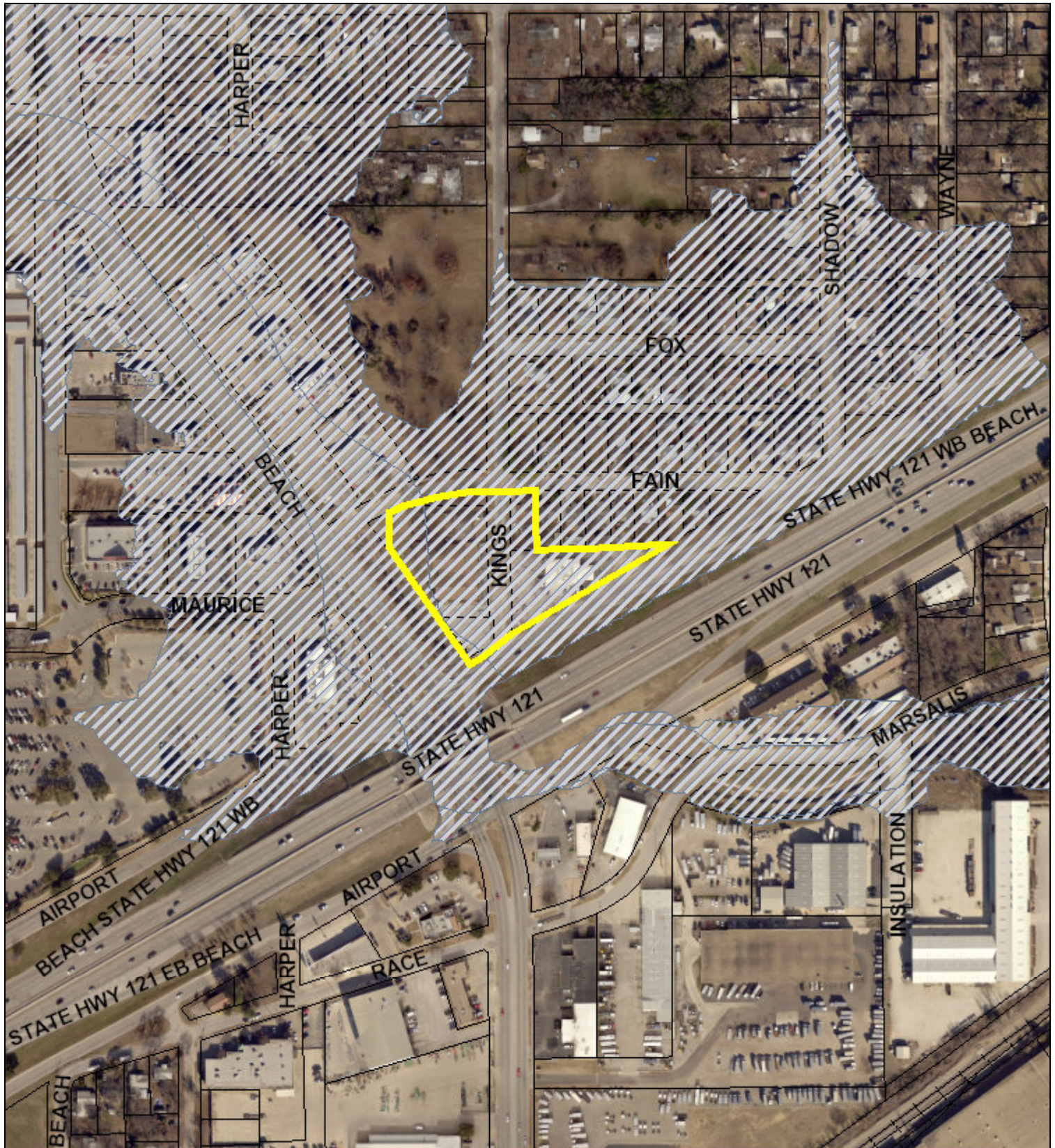


290 145 0 290 Feet

A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 7, 2017.



Aerial Photo Map



Andrew Small	1820 Thomas Place	Out		Opposition	Sent notice
Jennifer Ward	1821 Thomas Place	Out		Opposition	Sent notice
Valentine McCamish	4701 Birchman	Out		Opposition	Sent notice
Cultural District Alliance			Support		Sent letter
David & Tanya Clair	2029, 2100, 2316 Western Ave; 4522, 5137 Collinwood Ave; 4804 Birchman	Out	Support		Sent letter
Robert J Myers	2525 Ridgmar Blvd Ste 150	Out	Support		Sent letter
Cynthia K Alderman	4533 Collinwood Ave	Out	Support		Sent letter
Marshall Searcy	1517 Hillcrest	Out	Support		Sent letter
Andrew & Amy Yanez	1000 Washington Terrace; 2209/2211 Western Ave; 4601/4603 Byers Ave	Out	Support		Sent letter
Darin Norman	2013 Thomas Place	Out	Support		Sent letter
Jordan Johnson	2204 Hillcrest	Out	Support		Sent letter
Joseph DeWoody	3724 Hamilton Ave	Out	Support		Sent letter
Mark Childress	4215 Camp Bowie	In	Support		Sent letter
Kristi Kolpanen			Support		Sent letter as a member of Arlington Heights United Methodist Church
Robert Moore			Support		Sent letter as a member of Arlington Heights United Methodist Church
Karen Van Eaton			Support		Sent letter as a member of Arlington Heights United Methodist Church
Sue Newby			Support		Sent letter as a member of Arlington Heights United Methodist Church
Michael Jann			Support		Sent letter as a member of Arlington Heights United Methodist Church

3. ZC-17-184 Kings Hwy Church/3701 Airport Fwy LLC/A. Lopez (CD 4) – 4001, 4101 Airport Fwy, 925 Kings Hwy., 4001, 4100 Fain St. (Otto Kurtz Addition, Block 1, Lot 1; Lewis G. Tinsley Survey, Abstract No. 1523, being part of Lots 1, 2 and 3, Block 1, Sylvan Crest Addition, 2.64 ac.) From: “B” Two-Family and “E” Neighborhood Commercial To:

PD/E Planned Development for all uses in “E” Neighborhood Commercial plus a freeway sign up to 50 ft.; site plan included

Thomas Edwards, 1120 N Industrial Blvd, Euless, Tx, representing the applicant, went over the proposed zoning change and showed renderings of the property. He stated that the visibility and access to 121 is important to the applicant and that they have received conceptual approval from TxDOT for the driveways they need. He also stated that fast food businesses are some of their competition and that they need the signage in order to compete with them.

Cathy Seifert, 1417 Layton Ave, spoke in support. She stated the neighborhood is excited about the QT and she is not opposed to the large sign.

LuAnn Hoppe, 812 Hudgins, spoke in support of the case. She is also not opposed to the height of the sign.

Motion: Following brief discussion, Mr. Gober recommended Approval of the request, seconded by Ms. Runnels. The motion passed unanimously 7-0.

<i>Document received for written correspondence</i>					ZC-17-184
Name	Address	In/Out 300 ft. notification area	Position on case		Summary
Thomas Edwards	1120 N Industrial Blvd, Euless, Tx		Support		Representing applicant
Cathy Seifert	1417 Layton Ave		Support		Spoke at hearing
LuAnn Hoppe	812 Hudgins		Support		Spoke at hearing

IV. New Cases

4. ~~ZC-17-194 Bill Baker (CD 9) – 2825 Parmer Ave (Frisco Heights Addition, Lot 7, Block 12, 0.14 ac.) From: “C/TCU” Medium Density Multifamily/TCU Residential Overlay To: “UR/TCU” Urban Residential/TCU Residential Overlay~~

Brandon Allen, 1227 W Magnolia, representing the applicant, stated the property is surrounded by TCU parking lots and they are requesting the rezoning in order to make the property more desirable for future development.

Kipp Baker, 2806 6th Ave, stated he is the power of attorney for the owner of the property, and that are selling in order to pay for his parents’ care. He would like to increase the supply of housing in the area in order to reduce the demand in fringe areas from TCU.

Motion: Following brief discussion, Mr. Buchanan recommended Approval of the request, seconded by Mr. Aughinbaugh. The motion passed unanimously 7-0.

<i>Document received for written correspondence</i>					ZC-17-194
Name	Address	In/Out	Position on case		Summary